

# **BOONE COUNTY BOARD OF COMMISSIONERS**

## **MINUTES OF THE March 21, 2022 MEETING**

The Boone County Board of Commissioners met in regular session at 9:00 AM on Monday, March 21, 2022 in the Connie Lamar Meeting Room located on the main floor of the Boone County Annex Building at 116 W. Washington Street, Room 105, Lebanon, IN 46052 with the following personnel in attendance:

Jeff Wolfe	Commissioner, President
Donnie Lawson	Commissioner, Vice President
Tom Santelli	Commissioner
Bob Clutter	County Attorney
Lori Rapp	Interim Administrative Assistant

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### **DETERMINATION OF QUORUM AND PLEDGE TO THE FLAG**

Commissioner Wolfe opened the meeting at 9:30 AM with a quorum of all three (3) Commissioners present and led the Pledge to the Flag in unison.

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### **IN THE MATTER OF MINUTES**

Commissioner Lawson moved to approve the Minutes of March 07, 2022 Commissioners' Meeting as presented. Motion seconded by Commissioner Santelli; motion passed unanimously 3-0.

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### **MATTER OF LEGAL ISSUES**

***Attorney Bob Clutter presented the following items:***

- 1) Approving the Taft Agreement, the Council has engaged Taft Law Firm to act as their Attorney's. The Auditor has requested this be approved so this can be paid through prepay so it can be paid in a timelier manner. County Council has the statutory authority to engage attorneys to represent them.

Commissioner Lawson moved to approve the Taft Agreement. Motion seconded by Commissioner Santelli; motion passed unanimously 3-0.

- 2) At the March 7, 2022 meeting bids were opened for the Highway's Project 2022-02 Asphalt Resurfacing in Various Townships. The bids were due March 7, 2022 at 8:30 am. Five bids were received and opened do to an error we had actually receive a sixth bid that was timely delivered on March 4, 2022, the Commissioner's Office was closed that day so the bid was delivered to Area Plan Commission and this was not received by the Commissioner's until after the bids were opened. None of the bids that were opened on March 7, 2022 were reviewed, they were all publicly read allowed in terms of what the amounts were. These five bids have been retained in the Commissioner's office under lock until today March 21, 2022. The received bid is from DC Construction Services Noblesville. Commissioner Wolfe stated that we need a motion to accept this bid from DC Construction Services under the original bid because it was omitted in error, and it was delivered timely.

Commissioner Santelli moved to accept this bid. Motion seconded by Commissioner Lawson; motion passed unanimously 3-0.

The bid is from DC Construction Services based bid is \$293,845.01 and the Total Bid is \$2,820,484.27.

Commissioner Lawson moved to approve taking this bid and the other five bids under advisement for the Highway Department and County Engineer's review. Motion seconded by Commissioner Santelli; motion passed unanimously 3-0.

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### **IN THE MATTER OF 2022 VOCA-EEOP GRANT RENEWAL**

Kent Eastwood, Boone County Prosecuting Attorney, presented the annual VOCA-EEOP Grant Renewal Agreement.

Commissioner Santelli moved to approve the 2022 VOCA-EEOP Grant Renewal Agreement. Motion seconded by Commissioner Lawson; motion passed unanimously 3-0.

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### **IN THE MATTER OF REQUEST TO USE COURTHOUSE GROUNDS FOR POLICE WEEK**

Deputy Garst, Public Information Officer, requested authorization to use the Courthouse Grounds for Police Week May 10, 2022 5:30 pm – 8:00 pm.

Commissioner Lawson moved to approve the authorization to use the Courthouse Grounds for Police Week May 10, 2022. Motion seconded by Commissioner Santelli; motion passed unanimously 3-0.

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### **IN THE MATTER OF CENTER TOWNSHIP ELECTRIC ESTIMATE**

Max Mendenhall, Director of Capital Investments, presented an estimate from Center Township Electric to remove and install LED at the Boone County Highway.

Commissioner Santelli moved to approve the Center Township Electric Estimate. Motion seconded by Commissioner Lawson; motion passed unanimously 3-0.

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### **IN THE MATTER OF RESOLUTION 2022-03 AUTHORIZING DISPOSAL OF SURPLUS**

Max Mendenhall, Director of Capital Investments, presented Resolution 2022-03 Disposal of Surplus Property at the Boone County Highway.

Commissioner Lawson moved to adopt Resolution 2022-03 Disposal of Surplus Property. Motion seconded by Commissioner Santelli; motion passed unanimously 3-0.

## **IN THE MATTER OF DEVELOPMENT FEES & PLAN REVIEW ORDINANCE DISCUSSION**

Nick Parr, Director of Highways, stated that Boone County Highway has a third-party firm review development plans to make sure they meet their standards. He wants to make sure that taxpayers aren't paying for these reviews and will work with Bob Clutter on an Ordinance to get reimbursed by the Developer.

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## **IN THE MATTER OF OLD BUSINESS**

Nothing at this time.

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## **IN THE MATTER OF STAFF REPORTS**

- APC – Rachel Cardis
  - Coroner's Office – Justin Sparks
  - Facilities / Capital Investments – Max Mendenhall
  - Health Department – Lisa Younts / Abby Messenger
  - Highway Department – Nick Parr
  - Human Resources – Megan Smith
  - IT Support – GUTS
  - Other Elected Officials
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Nick Parr, Director of Highway Department presented the following items:

**1)** Construction in right-of-way permit (#202210011) for TDS Telecom at 550 S to 300 E to 275 E for installation of Service for new customer. Bond amount of \$45,000. The Boone County Highway Department recommends approval.

Commissioner Lawson moved to approve the construction in right-of-way permit (#202210011). Motion seconded by Commissioner Santelli; motion passed unanimously 3-0.

**2)** Reimbursement agreement for Bridge 217 Boone County Highway worked with Citizens Energy Group to determine if the 12" water main needed to be relocated. It was determined that it does not need to be relocated. This reimbursement agreement is for one of the water valves that falls within an easement along the project.

Commissioner Santelli moved to approve the Reimbursement Agreement for Bridge 217. Motion seconded by Commissioner Lawson; motion passed unanimously 3-0.

**3)** Boone County Highway was awarded the two federal projects that they submitted for last fall. Bridge 61 which will be matched 80% federal dollars and 20% local dollars, the total for this project is \$2,488,000 and the federal award is \$1,990,680. Sign replacement reimbursement project and will be matched 90% federal dollars and 10% local dollars since this is a safety project. Total estimated cost is \$1,800,000 and federal matched is estimated at \$1,600,000.

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## IN THE MATTER OF DOCUMENT SIGNING

- 1) Commissioner Santelli commented that he and Auditor Crum have been discussing the Taft claims, and they are presenting themselves today. The Taft contract was approved today, the contract states “in addition you agreed to be candid and cooperative with us to keep us informed by providing complete and accurate and factual information documents and other communications relevant to the subject matter of our representation or otherwise reasonably requested by us”. That includes about five to eight hours of work a month. On November 22, 2021 Commissioner Santelli sent a letter out and did not get a response back and the Commissioner’s followed up with another letter to the council. The letter stated that based upon our review of the investigation Boone County has determined that is more likely than not that you made statements to the complainant based on the complainant’s sex or of a sexual nature and/or made statements pertaining inappropriate or offensive language having sexual content, such remarks and comments are prohibited by Boone County Personnel Policy Anti-Harassment Handbook. With regards to that, this individual also followed up on Facebook and other social media claiming that he is actually the party that is being unfairly challenged. So with that we have received bills from Taft and it has to do with, prepare for and participate in calls with Councilor Williams, prepare for and participate in conference calls with Councilor Williams, continue to review documents and consider strategy of an unknown information. We also then have, prepare for and participate in a witness interview, review documents related to same consider strategy. Commissioner Santelli wants to point out that these were not approved by the Commissioner’s, in past practice we have not approved legal representation where there has been a challenge well outside the scope of our responsibilities. These bills have totaled from Taft’s perspective about \$4,828.51. Kevin VanHorn protested the handling of the situation, and then Bob Clutter later pointed out that because of the nature of this investigation we had to hire an outside firm to do an independent investigation, and then we also have a second investigation going on as a follow up and that is because Councilor Williams hired Taft, so, there is potentially a huge conflict of interest there. We will probably have amounted to over \$40,000 just starting out on this. The Commissioner’s did not approve legal representation and that this was brought forward today by the Council specifically the Council President. Commissioner Wolfe added that under specific review of the invoices themselves, there was sufficient work done by the Law firm outside of those particular invoices that all fell underneath the retainer fee. There were discounts to the invoices not specifically to those items but discounts to each of those monthly invoices down to the \$2,500 fee. Commissioner Santelli stated that the Taft invoice for November totaled \$5,898.50. It clearly stated in the contract that it was for five to eight hours of service, so the discount applied was \$3,398.50 and is billed at \$2,500. This individual received more than \$5,000 of legal support. Commissioner Santelli stated in his letter that it appears that we are victimizing the victims. Commissioner Santelli does not at all feel comfortable with what is going on here.

Commissioner Lawson moved to approve claims, payroll and health insurance as submitted. Motion seconded by Commissioner Santelli that these were already approved by the Council; motion passed unanimously 3-0.

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### **IN THE MATTER OF MAIL**

See **(Appendix #3)** for a list of mail opened by the Commissioners on this date.

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### **IN THE MATTER OF ADJOURNMENT**

With no further business, Commissioner Lawson moved to adjourn the Boone County Commissioners' Meeting at 09:59 AM on Monday, March 21, 2022. Motion seconded by Commissioner Santelli; motion passed unanimously 3-0.